

**Notice of Allowability**

Application No.

09/970,619

Applicant(s)

HUBER, ROBERT

Examiner

Art Unit

Insun Kang

2193

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/4/2006.
2. ☒ The allowed claim(s) is/are 1, 4, and 6-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Frank Nuzzi (reg. 42,944) and Mr. Edward Stemberger (reg. 36,017) on Oct. 4, 2006.

The application has been amended as follows:

Per claim 1:

In line 16: after "affected subsets" --wherein the version designator comprises along with the first and second version identifiers, a version label, and a status identifier of released or validated—has been inserted.

Per claim 2.

This claim has been canceled.

Per claim 3:

In line 1: "Canceled" has been changed to --(Canceled)—

Per claim 4:

In line 3: "identifiers" has been changed to identifiers—

Per claim 5.

This claim has been canceled.

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Per claim 6:

In line 3 of the amendment page 3 filed on 5/2/2005, Claim number '6' is missing.

--6.--has been added before "(Currently Amended) The method according to claim 5" in page 3. Accordingly, per claims 6-27 (recited in the amendment), the claims have been corrected to 7-28 based on the correction of the missing claim number '6.' Hereinafter, Claims 6-27 recited in the amendment filed on 5/2/2005 are renumbered as 7-28.

In line 1: "The method according to claim 5" has been changed to -- The method according to claim 1--

In line 5, "activating the validation indicator" has been corrected to --activating the validation indicator--

Per claim 8.

This claim has been canceled.

Per claim 9:

In line 1: "The method according to claim 8" has been changed to -- The method according to claim 1--

Per claim 10:

In line 1: "The method according to claim 8" has been changed to -- The method according to claim 1--

Per claim 12:

In line 10: after "the programs" —as released or validated—has been inserted.

Per claim 13:

In lines 3 and 4: ", and wherein the label is a letter that identifies the status as one of released and validated" has been deleted.

Per claims 22-23:

These claims have been canceled.

Per claims 24-28:

The status identifier "Canceled" has been corrected to be —(Canceled)—.

These amendments were necessary in order to further clarify the claims, and obviate any rejection under 35 U.S.C. 112 2<sup>nd</sup>, and correct the non-compliance issue in the amendment filed on 5/2/2005.

***Examiner's Statement of Reason(s) for Allowance***

2. Claims 1, 4, and 6-21 (renumbered as 1-18) are allowed.
3. The following is an examiner's statement of reasons for allowance:

The closest prior arts of record, i.e. Siemens, Donohue, taken alone or in combination, fail to teach or fairly suggest at least: the version designator for a program on a manufacturing system having three identifiers including a status identifier as released or validated as recited in the independent claims 1, 12, and 16.

While Donohue discloses a software product's identifier and release number compared with predefined update criteria, ultimately Donohue does not disclose "revising the first version identifier of a certain lower-level subset... a status identifier of released or validated" in claim 1, "a first portion for indicating a revision ... a label indicating a status of the programs as released or validated" in claim 12, and "in a first portion of the data structure... a third symbol indicating the status ... released and validated in claim 16.

While Siemens discloses the specific version number format such as "V1.3R" in page 3, the applicants during the conducted phone interview on 10/4/2006 has stated that Siemens reference is not directed to a manufacturing system versioning and Siemens merely notes revisions to errata sheets not to a data structure stored on a computer readable medium as claimed. Therefore, Siemens does not disclose "revising the first version identifier of a certain lower-level subset... a status identifier of released or validated" recited in claim 1, "a first portion for indicating a revision ... a label

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indicating a status of the programs as released or validated" in claim 12, and "in a first portion of the data structure... a third symbol indicating the status ...released and validated in claim 16.

See also Applicant's Remarks filed on 5/2/2005.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-R 6:30-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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